

Provincial Railway Guides

Section:

ADMINISTRATION

Subject:

CLASSIFICATION OF RAILWAYS

Provincial railway operations are classified in order to facilitate the administration of the railway by the province. Provincial inspection schedules, re-authorization periods, training requirements and technical standards will vary for each class of railway. Additionally, the Minister may make exemptions to *The Railway Act* or issue orders applying to specific classes of railway.

INTRODUCTION:

Classification of a railway is determined directly by the Highway Traffic Board or the Minister. No direct action is required on the part of the railway and classification will not directly affect the operation of the railway.

The classification of a railway will be noted on the Operating Authority Certificate or Authorization Certificate issued to the railway. In the case of railways already in possession of an Operating Authority Certificate or Certificate of Authorization, notice of their classification will be sent to the railway.

The Highway Traffic Board issues operating authorities in accordance with section 15 of *The Railway Act* and will designate the classification of each provincial railway in accordance with these guides as a part of the authorization process.

Railways may be authorized as one of the following classifications:

1. Common Carrier Railway
2. Private Industrial Railway
3. Public Industrial Railway
4. Amusement Railway
5. Passenger Railway
6. Mixed-Function Railway
7. Exempted Railway

EXISTING RAILWAYS:

Railways which have been authorized to open and/or operate prior to the implementation of these guides will be assessed by the HTB and may be requested to provide information similar to that required of new applicants with regard to function, to facilitate classification. No application is required to be initiated by previously authorized railways.

APPLICATIONS:

Railways do not need to apply for classification. The process of determining is done internally as part of the issuance of the Authorization Certificate or Operating Authority Certificate. Railways may be asked to provide additional information to the Minister to clarify which class is most appropriate.

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DISPUTES:

If a railway wishes to dispute the classification assigned to it, the railway may forward their concerns to:

Rail Services

900 - 1855 Victoria Ave.

Regina, Sask. S4P 3T2

Fax: (306) 787-3963

ezsombor@highways.gov.sk.ca

Form of Request

Requests for re-classification may be made in letter format and must include the following information:

1. Name, address and current classification of the railway
2. Reason for request for reclassification
3. Proposed new classification

Minister's Orders

The Minister will have the railway's request reviewed and will contact the railway to either confirm their current classification or issue a revised classification.

Orders of the Minister or the Highway Traffic Board are binding upon the parties and remain in effect until amended or rescinded.

CLASSIFICATIONS:

Provincial railways will be classified in accordance with the following descriptions:

COMMON CARRIER RAILWAYS have the following characteristics:

- a) operated for the purpose of transporting goods, and/or commodities for a toll or fee,
- b) subject to common carrier obligations as defined within the Act,

PRIVATE INDUSTRIAL RAILWAYS have the following characteristics:

- a) operated to transport only goods or commodities that are manufactured, refined or otherwise produced, processed or handled by the person who operates the railway or on whose behalf the railway is operated, and
- b) located wholly or in part within the confines of the industrial site or area in which the goods or commodities transported or manufactured, refined or otherwise produced, processed or handled, and
- c) owned and/or operated by a private company

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PUBLIC INDUSTRIAL RAILWAYS have the following characteristics:

- a) operated to transport only goods or commodities that are manufactured, refined or otherwise produced, processed or handled by the person who operates the railway or on whose behalf the railway is operated, and
- b) located wholly or in part within the confines of the industrial site or area in which the goods or commodities transported or manufactured, refined or otherwise produced, processed or handled, and
- c) located wholly or partially within the confines of an municipal industrial park, and
- d) owned by a municipality for the purpose of providing rail service to industry within the municipal park

AMUSEMENT RAILWAYS have the following characteristics:

- a) operated wholly or in part within an amusement, heritage, or similar park, and
- b) operated for the sole purpose of providing rides to the public.

PASSENGER RAILWAYS have the following characteristics:

- a) operated for the sole purpose of carrying passengers for a set fee
- b) operated outside confines of amusement, heritage or similar park.

MIXED FUNCTION RAILWAYS have characteristics and perform a variety of functions that do not specifically fall within the definition of any of the above classes.

EXEMPTED RAILWAYS have applied for and received complete exemption from compliance with *The Railway Act* in accordance with the “Guide to Exemption of Railways from *The Railway Act*”. Exempted railways will be issued an exemption certificate.



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AUTOMATIC EXEMPTIONS:

Certain classes of provincially regulated railway are automatically exempted from specific provisions of *The Railway Act* that are not relevant or applicable to their operations. A complete list of automatic exemptions associated with each class may be found in PRG 1010 - Exemption of Railways

CONTACTS:

For more information:

Rail Services
900 - 1855 Victoria Avenue
Regina, Saskatchewan S4P 3T2
Phone: (306) 787-5847
Fax: (306) 787-3963
ezsombor@highways.gov.sk.ca